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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,668

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Eric Bouille

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07/07/2009

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EXAMINER

PHAN, THANH S

ART UNIT

PAPER NUMBER

2833

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/538,668	<b>Applicant(s)</b> BOUILLE, ERIC	
	<b>Examiner</b> THANH S. PHAN	<b>Art Unit</b> 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16, 19, 31 and 33 is/are rejected.
- 7) ☒ Claim(s) 17, 18, 20-30, 32, 34 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 16 and 22 are objected to because of the following informalities:

Claim 16 is unclear because the term “particularly” is indefinite; it is unclear whether the limitation(s) following the phrase are part of the claimed invention. The recitation “the vicinity” lacks antecedent basis. Furthermore, a “cavity” (line 9) is not formed “on” something, it’s formed “in” an object.

Claim 22 recites “said ball”, this recitation lacks antecedent basis.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16, 19, 31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Brogan [US 2,051,591].

Regarding claims 16, 31 and 33 Brogan discloses an assembly comprising an object [figures 7- 8], a support [bracelets] and, on the support, a fixing element [31] for removably connecting the support to said object and defining a pivot axis between said object and the support, particularly in order to present alternately a first face and a

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second face of the support [bracelets], said faces lying on either side of a mid-plane in the vicinity of the fixing element, when the object and the support are mutually arranged in a first or second stable position, respectively, wherein said fixing element has a pivot comprising a body [36] connected to the support, and a base formed at its free end [32], and in that a cavity is formed on the object [page 2, column 1, lines 32-35], said cavity comprising a first opening [41, 42] designed to allow said base to be inserted into said cavity and being continued by an elongate second [page 2, column 1, lines 33-34] extending transversely with respect to the direction of the pivot axis and parallel to the mid-plane in a stable position, the elongate second opening being designed to guide said pivot and permit a relative movement of said object and of said support to bring them to a stable position, the support also comprising retractable locking means [spring; page 2, column 1, lines 35-44] designed to engage with matching cavities in said stable position.

Regarding claim 19, Brogan discloses the object comprising a middle [body/case as shown in figure 8] in which two cavities [hollow interiors as shown in figure 8] are formed, and in that the support is a strap having two free ends [31], each carrying a fixing element [32]. Brogan discloses that the device is a jewelry item such as necklaces, bracelets or the like (a watch case) on page 1, column 1.

***Allowable Subject Matter***

Claims 17, 18 and 20-30, 32, 34 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: it is known in the horology art for locking means to comprise at least one retractable ball. However, it would not have been obvious to combine and/or modify such a feature with the prior art of record to achieve the claimed inventive arrangement.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. W. C. Tregoning [US 1,769,245]; Mudge et al. [US 6,360,404] and E. F. Herschede [US 1,718,821].

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH S. PHAN whose telephone number is (571)272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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